

Children and Family Affairs Committee Amendment No. 1

AMENDMENT NO. _____

Signature of Sponsor

AMEND Senate Bill No. 1220*

House Bill No. 896

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 37-1-103, is amended by adding the following language as a new, appropriately designated subsection:

() Proceedings in which a parent is alleged to have violated parental responsibilities in violation of Section 2 of this act.

SECTION 2. Tennessee Code Annotated, Title 37, Chapter 1, Part 1, is amended by adding the following language as a new, appropriately designated section:

(a) A person commits the offense of failing to supervise a child if that person is the parent or legal guardian of a child under sixteen (16) years of age and the child commits any delinquent or unruly act that brings the child within the jurisdiction of the juvenile court.

(b) In the prosecution of a person for the offense of failing to supervise a child, it is an affirmative defense that the person:

(1) is the victim of the act that brings the child within the jurisdiction of the juvenile court; or

(2) took reasonable steps to control the conduct of the child at the time the person is alleged to have failed to supervise the child.

(c) If the child is found to be unruly or delinquent and the juvenile court further finds that the parent or legal guardian violated Section 2 of this act, then the court may order the parent or legal guardian to perform one or more of the following:

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(1) to participate in the child's program of treatment and rehabilitation;

(2) to seek assistance from school officials, social service officials or other appropriate public or private resources and authorities to provide treatment and rehabilitation for the child; or

(3) to complete community service work individually or jointly with the child.

(d) If the parent or legal guardian refuses to comply with the order of the juvenile court, then the parent or legal guardian may be charged with contempt pursuant to Tennessee Code Annotated, Section 37-1-158. If the juvenile court holds the parent or legal guardian in contempt, then the court may fine the parent or legal guardian up to fifty dollars (\$50.00), may order the parent or legal guardian incarcerated for up to ten (10) days or may order both fine and imprisonment.

(e) This act does not apply to children in custodianship or guardianship of the Tennessee department of children's services.

SECTION 3. If any provision of this act or the application thereof to any person or circumstance is held invalid, such invalidity shall not affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to that end the provisions of this act are declared to be severable.

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SECTION 4. This act shall take effect January 1, 1998, the public welfare
requiring it.

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